IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6602 of 2005

Between:

M/s Sunshine Hirers & Decorators,

Tolichowki, Hyderabad, rep.by its Proprietor,

Mr.Iqbal Ansari.

..... PETITIONER

AND

1. The Commercial Tax Officer,

Mehdipatnam Circle, Hyderabad.

2. The Appellate Deputy Commissioner (CT)

Punjagutta Division, Hyderabad.

3.The Additional Commissioner (CT) Legal,

Andhra Pradesh,Nampally, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ or order or direction quashing

the order passed by the 3rd Respondent in CCT's Ref.No.LIII(2)/347/2005,dated 15-3-2005 as arbitrary and unjustified and consequently restrain the 1st Respondent from taking any coercive steps for recovery of the disputed tax of Rs.2,77,270/-for the assessment year 2002-03, pending disposal of the appeal filed by the Petitioner before the 2nd Respondent.

Counsel for the Petitioner:MR.S.DWARAKANATH

Counsel for the Respondents : GP FOR COMMERCIAL TAX

The Court made the following :

ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

This writ petition is filed by the petitioner assailing the order dated 15-3-2005 in CCT's Ref.NO.LIII(2)/347/2005 passed by the Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.

2. After hearing the learned counsel for the petitioner and the learned Government Pleader appearing for respondents, the writ petition is disposed of directing the appellate authority to dispose of the appeal filed by the petitioner within a period of two months from the date of receipt of a copy of this order. Pending disposal of the appeal, there shall be interim stay of recovery of disputed tax on condition of the petitioner depositing 50% of the disputed tax after giving credit to the amount already deposited within a period of four weeks, failing which the interim stay stands vacated. No order as to costs.

G.Bikshapathy,J.

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P.S.Narayana, J.

29th March, 2005.

KM

To

1. The Commercial Tax Officer,

Mehdipatnam Circle, Hyderabad.

2. The Appellate Deputy Commissioner (CT)

Punjagutta Division, Hyderabad.

3.The Additional Commissioner (CT) Legal,

Andhra Pradesh,Nampally, Hyderabad.

4.2 CCs to G.P. for Commercial Tax, High Court Buildings,

Hyderabad (OUT)

5.2 CDs

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6602 of 2005

29th March, 2005.